

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

DAVID N. DEBAENE : BK No. 11-12167  
Debtor Chapter 7

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ADONAI OUTREACH MINISTRY :  
Plaintiff

v. : A.P. No. 11-1067

DAVID N. DEBAENE :  
Defendant

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**ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Heard on Defendant/Debtor's ("DeBaene") Motion for Summary Judgment on the grounds that Plaintiff Adonai Outreach Ministry's ("Adonai") Complaint fails to allege genuine issues of material fact to be resolved by the trier of fact. In order to defeat a motion for summary judgment, the nonmoving party must offer "sufficient evidence supporting the claimed factual dispute to require a choice between the parties' differing versions of the truth at trial." *LeBlanc v. Great Am. Ins. Co.*, 6 F.3d 836, 841 (1<sup>st</sup> Cir. 1993). "A pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a cause of action' will not do." *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554, 555-557 (2007). "Nor does a complaint suffice if it tenders 'naked assertion[s]' devoid of 'further factual enhancement.'" *Id.*

BK No. 11-12167; A.P. No. 11-1067

In its Objection to Defendant's Motion for Summary Judgment, the Plaintiff offers only a bare assertion that DeBaene took its money and performed no work. Plaintiff's argument consists of two conclusionary sentences, and its affidavit fails to address the context of the April 21, 2011, letter written by its agent and offered as Defendant's Exhibit F.

Because the Plaintiff offered nothing more than a mere recitation of allegations, it is this Court's ruling that there is no genuine issue of material fact to be resolved at trial. Accordingly, DeBaene's Motion for Summary Judgment is **GRANTED**.

Enter.



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Arthur N. Votolato  
U.S. Bankruptcy Court

Entered on docket: 4/9/12